

EXHIBIT 1

THE HONORABLE ROBERT S. LASNIK
MAGISTRATE JUDGE JAMES P. DONOHUE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DONALD C. FLORY,

Plaintiff,

v.

DONALD CLAUSSEN, et al,

Defendants.

NO. C06-1046-RSL-JPD

DECLARATION OF AMANDA
M. MIGCHELBRINK

I, AMANDA M. MIGCHELBRINK, declare under penalty of perjury, that the following is true and correct:

1. I have knowledge of the facts herein, am over (18) years old, and am competent to testify to such facts. I represent the Defendants in this matter.

2. On September 20, 2006, I filed a motion to dismiss Mr. Flory's complaint because he did not fully exhaust his available administrative remedies. The noting date for that motion is October 13, 2006.

3. On September 25, 2006, I received Mr. Flory's first set of interrogatories and requests for production. The interrogatories were asked of each named defendant. These answers and documents are due to the Plaintiff on October 25, 2006.

4. On October 11, 2006, I wrote a letter to Mr. Flory requesting an extension of the deadline to 30 days after the date of any order regarding the motion to dismiss. I requested a response from Mr. Flory no later than October 18, 2006. The letter was faxed to Mr. Flory to

DECLARATION OF AMANDA M.
MIGCHELBRINK
NO. C06-1046-RSL-JPD

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ATTORNEY GENERAL OF WASHINGTON
Criminal Justice Division
PO Box 40116
Olympia, WA 98504-0116
(360) 586-1445

EXHIBIT 1

1 allow as much time as possible to formulate a response. The letter was faxed back with a
2 signature by Mr. Flory acknowledging receipt. Attached to this declaration as Attachment A is
3 a true and accurate copy of the return fax with Mr. Flory's signature.

4 5. As of October 19, 2006, I have not received a response from Mr. Flory
5 regarding my request to extend the discovery deadline to accommodate the Court's ruling on
6 the motion to dismiss.

7 I certify under penalty of perjury that the foregoing is true and correct to the best of my
8 knowledge.

9 EXECUTED this 19th day of October, 2006, at Olympia, Washington.

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12 /s/Amanda M. Migchelbrink

13 AMANDA M. MIGCHELBRINK
14 Assistant Attorney General
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ATTACHMENT A



Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
PO Box 40116 • Olympia WA 98504-0116 • Phone (360) 586-1445

October 11, 2006


Donald C. Flory #290500
Washington State Reformatory
PO Box 777
Monroe, WA 98272

RE: Donald C. Flory v. Donald Claussen, et al
Cause No. 06-1046

Dear Mr. Flory:

As you are aware, I have filed a motion to dismiss your claims against the Defendants because you failed to fully exhaust your available administrative remedies. I understand that you do not agree with that contention. Your discovery requests were received on September 25, 2006. I do not believe that the Court will be able to issue an order regarding my motion prior to that due date. I am requesting that you stay that pending discovery until 30 days after the Court issues a ruling on that motion should the Court deny it. Obviously, if the Court grants the motion to dismiss, we will not be providing those documents to you. Please respond to this letter by October 18, 2006. If you do not agree to stay the discovery, I will be filing a motion with the Court to stay the discovery.

Sincerely,


Amanda M. Migchelbrink
Assistant Attorney General
Criminal Justice Division

AMM:kt

Donald C. Flory
Signature

10-11-06
Date

Donald C. Flory
Print Name

ATTACHMENT A